

**MAYOR**  
Michael L. Alvarez

**MAYOR PRO TEM**  
David L. Cohn



**TOWN COUNCIL**  
Robert W. Allen  
Christopher M. King  
Darlene T. Luther  
David K. Waddell

Indian Trail Town Council Meeting  
April 24, 2012  
Civic Building  
6:30 p.m.

1. **CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE**
2. **ADDITIONS AND DELETIONS** **action**
3. **MOTION TO APPROVE AGENDA** **action**
4. **PRESENTATIONS**
  - a. [Arbor Day Proclamation](#)
5. **PUBLIC COMMENTS**
6. **CONSENT AGENDA** **action**
  - a. [Approval of April 10, 2012 minutes](#)
  - b. [Approval of Rural Center Grant Agreement](#)
7. **PUBLIC HEARINGS** **action**

*None*
8. **BUSINESS ITEMS**
9. **DISCUSSION ITEMS**
  - a. Discussion of Bond Referendum process.
  - b. Discussion regarding the Sign Ordinance – *This item was Requested by Council Member Waddell*
10. **MANAGERS REPORT**
11. **COUNCIL COMMENTS**

**12. CLOSED SESSION**

**action**

**13. ADJOURN**

**action**

**To speak concerning an item on the Agenda, please print your name and address on the sign up sheet on the table prior to the meeting. Each speaker will be limited to 3 minutes.  
AS A COURTESY, PLEASE TURN CELL PHONES OFF WHILE MEETING IS IN PROGRESS**



# Arbor Day

INDIAN TRAIL NORTH CAROLINA

*Whereas*, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

*Whereas*, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

*Whereas*, Arbor Day is now observed throughout the Nation and the world; and

*Whereas*, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

*Whereas*, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

*Whereas*, trees in our town increase property values, enhance the economic vitality of business areas, and beautify our community; and

*Whereas*, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, Michael L. Alvarez, Mayor of the Town of Indian Trail, do hereby proclaim April 27th, 2012, as Arbor Day in the Town of Indian Trail, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands; and

Furthermore, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 24th day of April, 2012

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Mayor Michael L. Alvarez



**Town of Indian Trail**  
**Minutes of Town Council**  
**April 10, 2012**  
**Civic Building**  
**6:30 P.M.**

The following members of the governing body were present:

Mayor: Michael L. Alvarez

Council Members: Robert Allen, David Cohn, Christopher King, Darlene Luther, and David Waddell.

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, Planning Director Shelley DeHart, Finance Director Marsha Sutton, Town Engineer Scott Kaufhold, Tax Collector Janice Cook, and Human Resources Miriam Lowery.

**CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Alvarez called the meeting to order, lead the Pledge of Allegiance and read the announcement for the Town's upcoming Community Planting month and Earth Day celebration.

**COMMITTEE APPOINTMENTS**

a. **Transportation Committee**

1) Mandy Alfaro

Christopher King made a motion to approve Mandy Alfaro appointment to the Transportation Committee.

Council voted unanimously in favor of the motion.

2) Roland Geoffery

Christopher King made a motion to approve Roland Geoffery appointment to the Transportation Committee

Council voted unanimously in favor of the motion.

3) Mike Knight

Christopher King made a motion to approve Mike Knight appointment to the Transportation Committee

Council voted unanimously in favor of the motion.

b. **Park, Tree & Greenway Committee**

1) Roger Franklin McWhorter

Christopher King made a motion to approve Roger Franklin McWhorter appointment to the Park, Tree & Greenway Committee.

Council voted unanimously in favor of the motion.

2) Justin King

Christopher King made a motion to approve Justin King appointment to the Park, Tree & Greenway Committee

Council voted unanimously in favor of the motion.

3) Kim Nicholson

Christopher King made a motion to approve Kim Nicholson appointment to the Park, Tree & Greenway Committee.

Council voted unanimously in favor of the motion.

c. **Public Safety Committee**

Mr. Waddell requested a motion to be recused from the vote for the Public Safety Committee as he has a family member applying.

David Waddell made a motion to approve recusal of himself from voting on the Public Safety Committee Applicants.

Council voted unanimously in favor of the motion.

1) Cathi Higgins

Darlene Luther made a motion to approve Cathi Higgins appointment of a regular seat on the Public Safety Committee.

Council voted unanimously in favor of the motion.

2) John Krohn

Christopher King made a motion to approve John Krohn appoint of a regular seat on the Public Safety Committee.

Council voted unanimously in favor of the motion.

3) Roger Franklin McWhorter

*Mr. McWhorter was not chosen to be on the committee.*

4) Ryan Christopher Moore

Darlene Luther made a motion to approve Ryan Moore for an Alternate Seat on the Public Safety Committee.

Motion Failed 2 - 2 with David Cohn, and Christopher King opposing.

Mayor Alvarez broke the tie voting in favor of appointing Mr. Moore to the Public Safety Committee.

5) Richard Riser

*Mr. Riser was not chosen to be on the committee.*

6) Sherry Waddell

David Cohn made a motion to approve Sherry Waddell for an alternate seat on the Public Safety Committee.

Motion Failed 2 - 2 with Robert Allen, and Christopher King opposing.

Mayor Alvarez broke tie voting in favor of appointing Ms. Waddell to the Public Safety Committee.

### **ADDITIONS AND DELETIONS**

### **MOTION TO APPROVE AGENDA**

Robert Allen made a motion to approve the Agenda.

Council voted unanimously in favor of the motion.

### **PRESENTATIONS**

a. **Mayor's Tree Education Initiative**

Planning Director, Shelley DeHart explained that this program is designed to educate the Fourth Graders about the functions and benefits of the community forest to our community. It is scheduled to take place the week before our community's Earth Day/Arbor Day festival on April 21st. It is our goal to have these children take what they have learned in the classroom and plant the seedling at their home, therefore increasing Indian Trail's community forest canopy. Every child who plants their seedling by producing a picture to be placed on a wall in their school forming a tree will receive a Junior Forester Certificate, recognizing their accomplishment and contribution to the community forest. Ms. DeHart invited both residents and Council to volunteer to participate in this program.

### **PUBLIC COMMENTS**

Samantha Towns, 104 Pine Lake Drive, Indian Trail announced the Union County Public School conference and invited everyone to attend.

Mr. Jonathan Baer, 5517 Rogers Road, Indian Trail addressed Council Members slander, liable, cyber stalking, making veiled threats to him, his friends and family endangering their lives. He advised they are aware of the situation have been provided the evidence. Recent comments made on face book page endorsing where the agreement of poisoning peoples food and using guns to intimidate harm to him, family & friends. This is a pattern of behavior over the course of the last four months.

Mayor Alvarez called a brief recess and called the meeting back to order.

Tony Honaker, 2027 Blue Stream Lane, Indian Trail, commented on grass growing behind his house that is over 12" high which is beyond code. Staff has been informed; it has been cut a couple of times and has stopped. He has taken the responsibility to cut it on his own. He requested assistance that this issue be resolved in order to prevent snakes in his yard or harm to his family and neighbors.

Lamar Wingo, 205 Indian Trail Road, Indian Trail advised that he and his wife own and operate Indian Trail Hardware and thanked the Council for the opportunity to speak about closing Indian Trail Road for Family Fun Day. He has sent an email to Council advising what happens to his business when the road is closed. His experience in 2010 when it was closed it was devastating to his business. He appreciates that some of the Council and Mayor visited him to address this issue.

### **CONSENT AGENDA**

- a. Approval of March 27, 2012 minutes
- b. Month End Tax Report for March 2012

David Cohn made a motion to approve the Consent Agenda.  
Council voted unanimously in favor of the motion.

### **PUBLIC HEARINGS**

*There were no Public Hearings.*

**BUSINESS ITEMS**

a. **Family Fun Day logistics - This item was tabled from March 27, 2012 meeting.**

The Council had a lengthy discussion on this matter, advising that it is a difficult decision because we have a business owner who expressed concern over the road closure and the success of the last one when Indian Trail Road was closed and it was on the street. They discussed the advantages and disadvantages of having it on Indian Trail Road and Crossing Paths Park.

Christopher King made a motion to approve moving Family Fun Day to Blythe Drive.

Council voted unanimously in favor of the motion.

b. **Sidewalk Maintenance Policy**

Town Engineer, Scott Kaufhold presented to Council that the purpose of this policy is to formalize inventory, inspection and maintenance procedure. The funding source will be from our Powell Bill funds with the amount to be appropriated annually by Town Council.

Robert Allen made a motion to approve the Sidewalk Maintenance Policy  
Council voted unanimously in favor of the motion. **(Copy attached hereto and made a part of these minutes)**

c. **Consider changes to Street Acceptance Policy**

Town Engineer, Scott Kaufhold presented to Council that the purpose of this policy is to provide residents on state maintained streets and Assessment District option to fund repairs necessary for the Town to accept for maintenance. Mr. Waddell expressed concern over the changes made in the private street section.

Christopher King made a motion to approve the Street Acceptance Policy with the keeping the current policy the same on the privately owned streets as it was previously written prior to what's before us tonight.

Council voted unanimously in favor of the motion. **(Copy attached hereto and made a part of these minutes)**

d. **Consider Neighborhood Traffic Calming Policy**

Town Engineer Scott Kaufhold presented to Council the purpose of this policy is to achieve speeds for motor vehicles that are reasonable for a neighborhood setting through education, enforcement and engineering. He explained that this is a 2 phase program: Phase I would be for staff to meet with

neighborhood representative to collect, analyze and present data to them and they are to initiate Neighborhood Awareness Campaign. Phase II will be a follow-up data collection and then determine which set of options would be appropriate at that time. The funding source for this would come from Powell Bill Funds with the amount to be appropriated annually by Town Council.

Darlene Luther made a motion to approve Neighborhood Traffic Calming Policy. Council voted unanimously in favor of the motion. **(Copy attached hereto and made a part of these minutes)**

Mr. Fivas clarified that the Town will not accept any applications before July 1st.

### **DISCUSSION ITEMS**

Council took and returned from a brief recess.

#### **a. Do parks make cents?**

Town Manager Joe Fivas presented to Council the benefits of having parks in our community because of the interest Council has expressed. He explained the many ways they provide personal, social and environmental benefits. Mr. Fivas informed Council of how this is smart growth including the positive way it effects Economic Development impact. He explained the associated costs involved and provided examples of comparisons of North Carolina Cities our size and the facilities they have. In conclusion Mr. Fivas explained the purpose of this presentation is to provide a catalyst of conversation about it amongst Council.

#### **b. Bond Referendum process with Bond Counsel**

Scott Leo, Bond Counsel from the firm of Parker Poe explained what a General Obligation Bond is, comparative financing options and the process involved from beginning to end. He provided Council with the question posed to the voters in 2011, the actions that Council will need to take, how to inform the voters and the funding restrictions that apply.

By consensus Council requested staff to provide information.

#### **c. Budget priorities - requested by Council Member Waddell**

Mr. Waddell advised there are many directions that we are going in and all will impact the budget. He requested Council determine what direction we will go as it will impact the tax rate and how much are the citizens willing to bear. He suggests making sure all items are positive, he would prefer to take care of law enforcement, safety issues and requested the rest of Council to comment on what their priorities.

Mr. Allen referred to citizen survey that clearly outlines what the citizen's preference is to the survey. What we individually want is irrelevant, it's what the survey indicates the citizens prefer.

Mr. King advised to imply that Council has done anything to effect the budget is inaccurate. What we're talking about is a bond for the people to vote for.

Mr. Cohn supports the Sheriff's Department, we have made some improvements. He believes we take care of that but we cannot stick our head in the sand, the people are going out and doing progressive things and we should be the same. The tax increase will equate to the expense going to the park locally. He supports it because he wants Indian Trail to stay young and be there for his children and grandchildren. He respects Mr. Waddell but we need to look at new ideas to make Indian Trail fun.

Ms. Luther believes that most Indian Trail residents want roads, park, beautification and economical development which are what she ran on; she believes we're heading in the right direction. That's what she stands for and will continue to do so.

Mayor Alvarez agreed with all of the Council. He believes that Mr. Waddell was misconstrued. Mayor Alvarez understood that Mr. Waddell agreed all of this needs to be done, all Mr. Waddell is asking is as the budget progresses to please prioritize. He trusts all five Council Members to do what's right for this Town.

### **MANAGERS REPORT**

Mr. Fivas encouraged Council and citizens to participate in the US 74 survey on the website. We're trying to expand what the opinions are for the future. He announced that our Community Clean up day April 28th 9-12 and explained it.

### **COUNCIL COMMENTS**

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Mr. Allen had no comments.

Chris King congratulated all the new appointees. Steve Smith signed 3 year contract with Carolina Panthers and he's happy.

Mayor Alvarez thanked Council for doing a great job and making him look good. Union County Mommies used our park for their Easter egg hunt enjoyed it so much they want to use it from now on. We need to help them improve on that and build on the quality of life here. Thanks to the previous Council we have a great start on parks, let's keep the ball rolling for our quality of life here because we all want to stay young and healthy.

Mr. Cohn thanked everybody for coming because that's what keeps our community going and the people who volunteer to be on the committees and help our town. Without you it would not work.

Mr. Waddell apologized to Ms. Luther for his vote on the leash law matter because he did not notice the example included in the packet. He reminded everyone that the Union County Public School meeting on the budget will be held on April 19th at 7 pm 882-8190. He advised his feelings are that citizen survey wasn't 100% accurate or people didn't pay attention that voted for me. The platform he ran on was nothing on that survey, there are different elements in town going on and we do have different approaches.

Ms. Luther reminded everyone that VFW is having a fund raiser tomorrow night at Bon Fire @ 6:30, \$15 per ticket for the Moving Wall. She informed everyone that the Town of Matthews just gave them \$5,500 toward the moving wall.

Mr. Fivas said as we start talking about the quality of life, this weekend we had about 150 people at our park around 11:30, there was a pancake breakfast at the VFW, the Boy Scouts were having a car wash, his daughter was playing at Indian Trail Athletic Association and that was packed. It was really alive and we should be proud of that it's a good indication of things to come.

### **CLOSED SESSION**

Christopher King made a motion to enter closed session NCGS 143-318.11 (a)(3) To protect attorney-client privilege and NCGS 143-318.11 (a)(5) To establish or instruct the staff or agenda concerning the negotiation of the price and terms of a contract concerning the acquisition of real property located at Oakwood Road.

Council voted unanimously in favor of the motion.

Christopher King made a motion to approve coming out of Closed Session.

Council voted unanimously in favor of the motion.

### **ADJOURN**

Christopher King made a motion to adjourn

Council voted unanimously in favor of the motion.

APPROVED:

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Michael L. Alvarez

Attest:

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Peggy Piontek, Town Clerk



**TO:** Mayor and Town Council

**FROM:** Kelly D. Barnhardt

**DATE:** April 24, 2012

**SUBJECT:** Infrastructure Grant

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The purpose of this Infrastructure Grant is to provide funds to help with the construction of the internal access roads of the SunValley Commons III movie theater project. The Town acts as a pass through for the NC Rural Center to give funds to the developer. The amount of the grant is \$300,000 with the anticipation that 30 full-time jobs will be created by this new development. The performance period is two years. Reporting will be done by the Economic Development Department. The Grant Agreement has been reviewed by legal counsel.

kdb